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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,360	03/09/2001	Daniel A. Tealdi	7931P001	8325

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EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/802,360	Applicant(s) TEALDI ET AL.	
	Examiner Daniel S. Felten	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt of the Amendment and Response filed November 24, 2006 is acknowledged. Claim 3 has been amended to overcome the 35 USC 101 rejection using, "...*in a database a record.*" Claim 7 has been cancelled. Claims 1-6 and 8-10 are pending in the application and are presented to be examined upon their merits.

Response to Arguments

2. Applicant's arguments filed November 24, 2006 have been fully considered but they are not persuasive.

In regards to claim 1: In the part of the specification pointed out by the applicant, there is no antecedent basis in the specification for, "...specifying *a number of loan products* to be fulfilled to satisfy said commitment contract..." found in claim 1 [see MPEP 608.01(o) and CFR 1.75 (d) (1)]. It is being interpreted that "a number of loan products..." refers to the amount or quantity of loans. There is no reference to this in the specification. The applicant argues that a commitment contract may describe a rate commitment for a specific *volume* of loan product. Levine suggests this (column 3, line 50+). It is also confusing when the applicant argues that to be fulfilled that the loans are pre-approved. Levine suggests that the secondary market would pre-approve loans based upon conditions related to the loan pools FICO scores and other criteria (see column 3, line 66 to column 4, line 32; and column 9, lines 10+).

The preamble discloses a method of managing loan products on a server. The commitment contract provides information related to the forward sale but there is no connection

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to the preamble to how the commitment contract limitation is connected the method of managing loan products on a server.

In regards to claim 3: It is maintained that Levine's server is an art recognize equivalent to a database for maintaining records of funded loans and/or loan products (see Levine Abstract, col. 5, lines 55-60).

In regards to claim 8: it is being interpreted that since the pre-set rules in Levine may have a loan term as one of the criteria to accept or reject loan sales, it provides a predetermined time to accept or reject the sale of the loan based upon the availability of the loan or loan product/package (see "Criteria for Evaluating a Loan," column 9, lines 10-52). Thus the applicant's claims remain rejected. A copy of the previous rejection is provided below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Levine et al (US 6,223, 566)

Levine discloses, as in claim 1, a method for managing loan products on a server (see Levine Abstract, col. 5, lines 55-60),

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--receiving by a processor a commitment contract (bid), the commitment contract specifying a number of loan products (loan pool) to be fulfilled to satisfy said commitment contract (see col. 23, line 53 to col. 24, line 7).

--managing by said processor one or more underwriting criteria for said loan products, wherein one of said loan products has a corresponding group of underwriting criteria (see Levine, col. 3, lines 16-28; and col. 20, lines 65 to col. 21, line 3).

--wherein the step of managing one or more underwriting criteria comprises the steps of: receiving said underwriting criteria from one or more financial institutions (see Levine, col. 3, lines 16-28); storing said underwriting criteria and providing to a first financial institution a group of underwriting criteria corresponding to one of said loan products (see Levine, col. 3, lines 16-28), *as in claim 2*,

--wherein the step of managing one or more underwriting criteria comprises the steps of: assigning a fulfillment grade to a funded loan; and maintaining a record of funded loans for said loan products (see rejections above), *as in claim 3*,

-- wherein said fulfillment grade is based on a reliability of data obtained during a fulfillment process (see rejection above), *as in claim 4*,

--has nonfunctional descriptive material that is not considered patentable (see rejection above), *as in claim 5*

--has nonfunctional descriptive material that is not considered patentable (see rejection above), *as in claim 6*,

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--receiving a request from a first financial institution to transfer to a second financial institution access rights (notification) to said data for one of said one or more loans (see col. 21, line 58 to col. 22, line 37); and

--transferring said access rights (allowing access) to said second financial institution (see col. 21, line 58 to col. 22, line 37);

--settling one or more loans by providing data for one or more registered financial institutions, *as in claim 8*,

---receiving a request from one of said one or more registered financial institutions to review one or more loans (see col. 21, line 58 to col. 22, line 37),

--providing and registered financial institution with a predetermined time in which to reject a sale price of said one loan (see col. 21, line 58 to col. 22, line 37),

--automatically settling said loan at said sale price when said registered financial institution accepts, and alternatively fails to reject said sale price of said one loan before said predetermined time expires,

--instructing said registered financial institution to send payment to a settlement financial institution (see col. 21, line 58 to col. 22, line 37), *as in claim 9*,

--wherein said sale price is a settled price between financial institutions (see col. 21, line 58 to col. 22, line 37), *as in claim 10*,

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Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

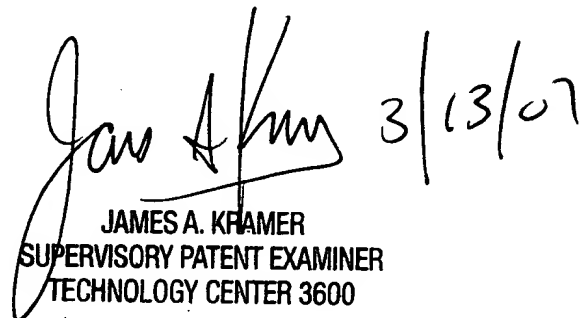
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DSF
3/06/2007

Daniel S Felten
Examiner
Art Unit 3693



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